

Exhibit C-1

“Informal, BP-8”

Response to Informal Resolution Form

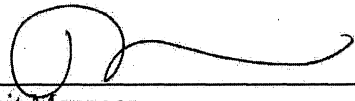
Inmate: **SCHULTE, Joshua**
Register Number: **79471-054**

This is in response to your March 6, 2019 Informal Resolution Form, in which you allege the hot water does not work in the sink or shower in your cell.

Facilities staff will assess the temperature of the water in the fixtures in your cell.

If you are not satisfied with this response, you may address your grievance through the administrative remedy program.

3/20/2019
Date



Unit Manager

NYM 1330.7
ATTACHMENT 1

**METROPOLITAN CORRECTIONAL CENTER, NEW YORK
ADMINISTRATIVE REMEDY PROCEDURE FOR INMATES**

INFORMAL RESOLUTION FORM (BP-8)

NOTE TO INMATE: With the exception of sensitive issues and DHO appeals, you are advised that prior to receiving and filing a Request for Administrative Remedy Form BP229(13) (old BP-9), you **MUST** attempt to informally resolve your complaint through your correctional counselor. Additionally, in accordance with P.S. 1330.13, you have the responsibility to present complaints in good faith and in an honest and straightforward manner. Before completing this form, you should make every effort to honestly attempt to informally resolve this matter verbally with staff. Briefly state ONE complaint below and list what efforts you have made to resolve your complaint informally.

Date form issued and initials of Corr. Counselor: _____

INMATE'S COMMENTS:

1. Complaint: No hot water in SAM's cells. The sinks in the 105 cells do not have functional hot water. This is a major health issue because washing hands and cleaning are ineffective in cold water. Additionally, the showers are often like-burn or cold - many times depending on the time of day and cell. The showers and sinks only have buttons - no knobs for temperature control. The 105 sinks and showers should be replaced with those in normal units.
2. Efforts made by you to informally resolve: On Tuesday, Nov 27th I sent a list of 35 unconstitutional issues that were reviewed by the warden. I was told the issues would be addressed but none were.
3. Names of staff you contacted/Date you contacted the staff:
Warden, Warden, 11/27/18

Date returned to Correctional Counselor: _____

Shultz, Joshua 79471054 3/6/19
Inmate's Name Register Number Date

CORRECTIONAL COUNSELOR'S COMMENTS

1. Efforts made to informally resolve and staff contacted: _____

Date informally resolved: _____ Counselor Signature: _____

Date BP-229(13) Issued: _____

Unit Manager: _____

Exhibit C-2

“MCC, BP-9”

RESPONSE TO REQUEST FOR ADMINISTRATIVE REMEDY - PART B

Inmate Name: SCHULTE, Joshua
Reg. No. 77211-054
Administrative Remedy Id.: 974087-F1


This is in response to your Request for Administrative Remedy dated March 28, 2019, wherein you allege the temperature of the hot water in your cell is inadequate for showering and the showers are not functional. You request that the sinks and showers should be replaced.

Federal Bureau of Prisons' policy provides that the primary hot water temperature for the housing areas must be maintained at a set temperature range from 100 to 120 degrees Fahrenheit. The water temperature was tested and is within the range according to policy. MCC New York's hot water system is set for 112 to 115 degrees Fahrenheit. On April 12, 2019, the hot water recirculating pump was changed out due to the pump failing. The facilitates department has replaced several defective parts in the showers recently and will continue to do so as plumbing fixtures break or fail to operate properly.

Based on the above information, this response is for informational purposes only.

If you are dissatisfied with this response, you may appeal to the Regional Director, Northeast Region, Federal Bureau of Prisons, Northeast Regional Office, U.S. Customs House - 7th Floor, 2nd & Chestnut Streets, Philadelphia, PA 19106, within 20 calendar days of the date of this response.

4/25/19
Date


L. N'Diaye, Warden

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Schulte, Joshua A 79471054 105 MCC
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

Provide hot water and functional showers: The sinks in the 105 cells do not have functional hot water. This is a major health issue because washing hands and cleaning are ineffective in cold water. This is a violation of the 8th amendment's ban on cruel and unusual punishment. Additionally, the showers drip out cold or lukewarm water — many times depending on the time of day and particular cage. These showers have no water pressure and don't really function as showers. The showers and sinks only have buttons — no knobs for temperature control. The 105 sinks and showers should be replaced with effective models found in every other MCC unit.

5/28/19
DATE

[Signature]
SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

USP LVN



PRINTED ON RECYCLED PAPER

BP-229(13)
APRIL 1982

Exhibit C-3

“Regional, NE”

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: MAY 22, 2019

ebd

RWD 6/11

FROM: ADMINISTRATIVE REMEDY COORDINATOR
NORTHEAST REGIONAL OFFICE

TO : JOSHUA ADAM SCHULTE, 79471-054
NEW YORK MCC UNT: 9 QTR: Z07-304LAD
150 PARK ROW
NEW YORK, NY 10007

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 974087-R1 REGIONAL APPEAL
DATE RECEIVED : MAY 13, 2019
SUBJECT 1 : ADMINISTRATIVE DETENTION CONDITIONS
SUBJECT 2 :
INCIDENT RPT NO:

REJECT REASON 1: ALL FOUR PAGES OF YOUR (BP-9) (BP-10) (BP-11) FORM MUST BE
LEGIBLE AND WORDED THE SAME. PHOTOCOPIES OF THE FORM WILL
NOT BE ACCEPTED.

REJECT REASON 2: SEE REMARKS.

REJECT REASON 3: YOU MAY RESUBMIT YOUR APPEAL IN PROPER FORM WITHIN
10 DAYS OF THE DATE OF THIS REJECTION NOTICE.

REMARKS : PAGES 2, 3, AND 4 OF THE BP10 ARE NOT LEGIBLE.

U.S. Department of Justice

Regional Administrative Remedy Appeal

Federal Bureau of Prisons

20

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: Schulte, Joshua A 79471054 105 MCC
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL

Functional Sink/Shower: MCC responded to my BP-9 filed 3/28/14 on 4/25/14. The response was insufficient and is attached herein. The sinks in the 105 cages do not have function hot water and the showers are inconsistent. This is a violation of the 8th amendment as the inability to wash hands with hot water is a major health issue. Despite MCC's claims in the BP-9 response, no tests were performed on 105 and my sink still does not dispense hot water. Additionally, the sinks and showers must be entirely replaced because they operate on a switch basis without turning buttons instead of dials. This provides no ability for inmates to adjust the water temperature. Every other unit at MCC has normal sinks and showers EXCEPT for the punitive housing unit. Hence, it appears MCC punishes inmates by sabotaging the sinks and showers. I have no complaint against this; however, this same punishment towards SAMs inmates is arbitrary punishment without due process and very clearly violates the 5th amendment. MCC must replace all SAMs sinks and showers with normal, fully-functional units available everywhere else at MCC.

5/1/19
DATE

Josh Schulte
SIGNATURE OF REQUESTER

Part B - RESPONSE

Returned 6/1

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 974087R1

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL




Exhibit C-4

“Central Office”

LCUD 7/30

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: JULY 19, 2019


FROM: ADMINISTRATIVE REMEDY COORDINATOR
CENTRAL OFFICE

TO : JOSHUA ADAM SCHULTE, 79471-054
NEW YORK MCC UNT: 9 QTR: Z07-301LAD
150 PARK ROW
NEW YORK, NY 10007

FOR THE REASONS LISTED BELOW, THIS CENTRAL OFFICE APPEAL
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 974087-A1 CENTRAL OFFICE APPEAL
DATE RECEIVED : JUNE 19, 2019
SUBJECT 1 : ADMINISTRATIVE DETENTION CONDITIONS
SUBJECT 2 :
INCIDENT RPT NO:

REJECT REASON 1: CONCUR WITH RATIONALE OF REGIONAL OFFICE AND/OR INSTITUTION
FOR REJECTION. FOLLOW DIRECTIONS PROVIDED ON PRIOR REJECTION
NOTICES.



ATTENTION: ~~*~~ NO BALLPOINT PEN ~~*~~

AS A SAMS INMATE HELD IN
SOLITARY CONFINEMENT, I HAVE
NO ACCESS TO A BALLPOINT PEN OR
PHOTOCOPIER.

U.S. Department of Justice

Central Office Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal.

From: Schulte, Joshua A 79471054 105 MCC
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL

Functional sink & Shower: My BP-10 was Denied because I don't have access to a ballpoint pen. I am Denied access to buy pens in commissary and only given an ink cartridge. I cannot help this. I have made every good faith effort to resolve this issue, but the BOP has not. The sinks in the 105 cages do not have functional hot water and the showers are inconsistent. This is a violation of the 8th amendment as the inability to wash hands with hot water is a major health issue. Additionally, the sinks and showers must be entirely replaced because they operate on a button without tuning. This provides no ability for inmates to adjust the water temperature. Every other unit at MCC has normal sinks and showers EXCEPT for the punitive housing unit. Hence it appears MCC punishes inmates by sabotaging the sinks and showers. This punishment to SAMs inmates is arbitrary punishment without due process and clearly violates the 5th amendment. MCC must replace all SAMs sinks and showers with normal, fully-functional units available everywhere else at MCC.

6/11/19
 DATE

Paul Schulte
 SIGNATURE OF REQUESTER

Part B - RESPONSE

DIR

RECEIVED

JUN 19 2019

Administrative Remedy Section
 Federal Bureau of Prisons

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 774087-A1

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL



REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: MAY 22, 2019

ebd

RWD 6/11

FROM: ADMINISTRATIVE REMEDY COORDINATOR
NORTHEAST REGIONAL OFFICE

TO : JOSHUA ADAM SCHULTE, 79471-054
NEW YORK MCC UNT: 9 QTR: Z07-304LAD
150 PARK ROW
NEW YORK, NY 10007

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OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

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DATE RECEIVED : MAY 13, 2019
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U.S. Department of Justice

Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: Schulte, Joshua A 744710654 105 MCC
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL

Functional sink/shower: MCC responded to my BP-9 filed 5/24/19 on 5/29/19. The response was insufficient and is attached herein. The sinks in the 105 cages do not have hot water and the showers are inconsistent. This is a violation of the 5th amendment as the right to wash hands with hot water is a major health issue. Despite MCC's claims in the BP-9 response, no tests were performed in 105 and my sink still does not dispense hot water. Additionally, the sinks and showers must be entirely replaced because they operate on a control basis without turning buttons instead of dials. This provides no ability for inmates to adjust the water temperature. Every other unit at MCC has normal sinks and showers EXCEPT for the punitive housing unit. Hence, it appears MCC punishes inmates by sabotaging the sinks and showers. I have no complaint against this, however, this same punishment towards SNM inmates is arbitrary punishment without due process and very clearly violates the 5th amendment. MCC must replace all SNM's sinks and showers with normal, fully-functional units available everywhere else at MCC.

DATE

SIGNATURE OF REQUESTER

Part B - RESPONSE

DATE RECEIVED
 FEDERAL BUREAU OF PRISONS
 REGIONAL COUNSEL OFFICE

MAY 13 2019

NERO-PHILADELPHIA

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

FIRST COPY: REGIONAL FILE COPY

CASE NUMBER: 974087R1

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

RESPONSE TO REQUEST FOR ADMINISTRATIVE REMEDY - PART B

Inmate Name: SCHULTE, Joshua
Reg. No. 77211-054
Administrative Remedy Id.: 974087-F1


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4/25/19
Date


L. N'Diaye, Warden

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Schulte, Joshua A 77471654 105 MCC
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

Provide hot water and functional showers: The sinks in the 105 cells do not have functional hot water. This is a major health issue because washing hands and cleaning are ineffective in cold water. This is a violation of the 8th amendment's ban on cruel and unusual punishment. Additionally, the showers drip out cold or lukewarm water — many times depending on the time of day and particular cage. These showers have no water pressure and don't really function as showers. The showers and sinks only have buttons — no knobs for temperature control. The 105 sinks and showers should be replaced with effective models found in every other MCC unit.

3/29/19
DATE

SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

THIRD COPY: RETURN TO INMATE

CASE NUMBER: _____

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

